

Serial No. 10/648,912  
60,130-1791  
02MRA0466

### REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-8, 10-17, and 19-21 are currently pending and stand finally rejected by the Examiner. Applicants have amended claims 1, 2, 10, 11, 13, and 19 and have cancelled claims 20 and 21 without prejudice. No new matter has been added. The foregoing amendment and the following remarks place this application in condition for allowance or, in the alternative, in better form for appeal. Entry of this Amendment is therefore respectfully requested.

### § 112 rejection

Claims 2, 10-17, and 19 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has amended the claims to clarify the subject matter helpfully noted by the Examiner. Withdrawal of the rejection is therefore respectfully requested.

### Substantive rejections

Claims 1-6 and 8 were rejected under 35 U.S.C. § 102(b) or § 103(a) as being unpatentable over U.S. Patent No. 4,647,104 to Kohlpainter et al. ("Kohlpainter"), optionally in view of U.S. Patent No. 4,332,416 to Lutz et al. ("Lutz"). Applicant respectfully traverses this rejection.

Applicant has amended independent claim 1 to clarify that the first locking portion of a slotted guide directly engages a profiled rail by engaging a second locking portion defined in the profiled rail. The Office Action asserted that the hold-down device 25 and the front guide plate 32 in Kohlpainter are the same as the first and second locking devices, respectively, and that it would have been obvious to include a slot in a guide as taught by Lutz. Applicant respectfully disagrees.

Neither Kohlpainter nor Lutz teach a structure that defines a slotted guide and a profiled rail having respective first and second locking portions that allow the slotted guide and the profiled rail to engage with each other directly. Instead, Kohlpainter clearly shows the hold-down device 25 and the front guide plate 32 as independent components that act as intermediary connection mechanisms to connect a guide rail 15 and a connecting link 14. Kohlpainter clearly

Serial No. 10/648,912  
60,130-1791  
02MRA0466

indicates that the guide rail 15 and the connecting link 14 themselves are not directly engagable with each other because Kohlpainter requires other components to be mounted to the guide rail 15 and the connecting link 14 to provide the engagement function (see, e.g., Figure 3; col. 3, lines 33-43 and col. 4, lines 1-25).

Because the combination of Kohlpainter and Lutz fails to teach direct engagement ~~between a slotted guide and a profiled rail via their respective first and second locking portions,~~ the Office Action fails to establish a prima facie case of obviousness with respect to claims 1-6 and 8, and withdrawal of the rejection is respectfully requested.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohlpainter, optionally in view of Lutz, and further in view of Pollard. Applicant respectfully traverses this rejection. Claim 7 depends indirectly on independent claim 1 and is therefore patentable for the reasons explained above. Incorporating Pollard into Kohlpainter and Lutz still fails to suggest the claimed invention because Pollard also fails to show direct engagement between a slotted guide and a profiled rail. Withdrawal of the rejection is therefore respectfully requested.

Claims 13-17 were rejected under 35 U.S.C. § 103(a) over either (1) Kohlpainter optionally in view of Lutz et al. or (2) U.S. Patent No. 6,290,289 to Ohtsu ("Ohtsu"), either set modified in view of U.S. Patent No. 5,718,472 to Otake ("Otake"). Applicant respectfully traverses this rejection.

As noted above, Kohlpainter and Lutz fail to suggest direct engagement between the slotted guide and the profiled rail because Kohlpainter only contemplates mounting separate, independent connection structures to the slotted guide and the profiled rail without suggesting that the guide and the rail themselves are engagable directly with each other. Further, as noted in the previous response, neither Ohtsu nor Otake teach direct engagement between the guide and the rail because Ohtsu specifically shows an arrangement where its guide member 8 is indirectly connected to a rail 4 via a separate stopper shoe 8c. Because all of the cited references focus exclusively on providing separate engagement structures to the guide and the rail, one of ordinary skill in the art would not have been led to refine the guide and rail structures themselves so that they can be engaged directly with each other like the claimed invention. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 13-17, and withdrawal of the rejection is respectfully requested.

Serial No. 10/648,912  
60,130-1791  
02MRA0466

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohlpainter optionally in view of Lutz or Ohtsu, either set modified in view of Pollard. Applicant has cancelled claim 20 without prejudice, rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohlpainter optionally in view of Lutz, and under 35 U.S.C. § 102(b) as being anticipated by Ohtsu. Applicant has cancelled claim 21 without prejudice, rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

Applicant thanks the Examiner for indicating that claims 11-12 and 19 contain allowable subject matter. Applicant has rewritten claims 11, 12 and 19 to obviate the rejection under 35 U.S.C. § 112, second paragraph. Allowance is therefore respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

By: 

Anna M. Shih  
Reg. No. 36, 372  
400 W. Maple Road, Suite 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: August 24, 2004

N:\Clients\MERITOR\101791\PATENT\After final amendment 5 24 04.DOC